

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ROBERT JOHNSTONE,

Case No. 3:23-cv-00596-ART-CLB

Petitioner,

ORDER

v.

NEVADA TERRITORIAL LOCAL  
JURISDICTION OF PUBLIC OFFENSE,  
*et al.*,

Respondents.

*Pro se* Petitioner Robert Johnstone has filed a handwritten purported habeas corpus petition under 28 U.S.C. § 1332. (ECF No. 1-2.) Johnstone is a prisoner in the custody of the Nevada Department of Corrections and is currently housed at Northern Nevada Correctional Center. Because Johnstone is in custody pursuant to a state-court judgment of conviction, the only proper basis for his federal habeas claims is under 28 U.S.C. § 2254. *See White v. Lambert*, 370 F.3d 1002, 1005–07 (9th Cir. 2004), *overruled on other grounds by Hayward v. Marshall*, 603 F.3d 546, 555 (9th Cir. 2010) (en banc). As such, in addition to not filing his petition on a court-approved form, Johnstone has also not filed his petition under the appropriate statute. Johnstone must, within 45 days of the date of this order, file an amended petition on the § 2254 form for state prisoners.

It is therefore ordered that Petitioner Robert Johnstone must file an amended petition on the § 2254 form within 45 days of the date of this order. Johnstone must label it “Amended Petition” and place the case number, 3:23-cv-00596-ART-CLB, in the designated space. Johnstone’s failure to timely comply with this Order will result in the dismissal of this action without prejudice and without further advance notice.

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1 It is further ordered that the Clerk of Court send Johnstone two blank  
2 copies of the form “petition for a writ of habeas corpus pursuant to 28 U.S.C. §  
3 2254” along with instructions and a copy of his petition (ECF Nos. 1-2, 1-3).  
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5 DATED THIS 4<sup>th</sup> day of December 2023.  
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8 ANNE R. TRAUM  
9 UNITED STATES DISTRICT JUDGE  
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